

## REMARKS

Claims 1-98 are pending in the application. Applicants respectfully request reconsideration of the application in light of the amendments above and the remarks below

Claim Rejections under 35 U.S.C. § 103

The Office Action rejected claims 1-7, 9, 16-22, 24, 27-38, 40-52, 56-72, 74-86 and 90-98 under 35 U.S.C. §103(a) as being unpatentable over Rohani (U.S. Patent No. 5,999,522) in view of Dufour (U.S. Patent No. 5,613,205). The Office Action also rejected claims 8, 23, 39 and 73 under 35 U.S.C. §103(a) as being unpatentable over Rohani in view of Dufour and further in view of Miya et al. (U.S. Patent 6,480,479). The Office Action also rejected claims 53 and 87 under 35 U.S.C. 103(a) as being unpatentable over Rohani in view of Dufour and in further view of Bose (U.S. Patent No. 4,477,809). The Office Action further rejected claims 54, 55, 88 and 89 under 35 U.S.C. 103(a) as being unpatentable over Rohani in view of Dufour and in further view of Chien et al. (U.S. Patent No. 6,389,474). Applicants respectfully traverse the rejections.

Rohani discloses a method and apparatus of determining the candidate list for a mobile station based on the reverse link signals measured at a plurality of sectors. As the Examiner contended in the Office Action: Rohani does not specifically disclose determining at the subscriber station a forward link quality metric for each sector in the subscriber station's list, determining at the subscriber station a quality related to a reverse link quality metric for each sector in the subscriber station's list (see Office Action, page 3, lines 11-14).

Dufour discloses a mobile terminal locator for locating a mobile terminal in a cellular telecommunication system having a plurality of base stations and associated cells. The locator uses signal strength and propagation delay between the mobile terminal and each base station to calculate a distance between the mobile terminal and each base station. Applicants note that in the section cited by the Examiner, Dufour teaches that the signal strength may be measured at the mobile terminal on the forward link, or measured at the base station on the reverse link (see col. 6, lines 12-28).

In contrast, independent claims 1, 16, and 31 relate to embodiments of a subscriber station using a forward link quality metric and a quality related to the reverse link to determine

the sector from which it should request/receive data on the forward link. For example, independent claim 1 recites: “determining at the subscriber station a forward link quality metric for each sector in the subscriber station’s list; determining at the subscriber station a quality related to a reverse link quality metric for each sector in the subscriber station’s list; and directing communication between the subscriber station and one sector from the sectors in the subscriber station’s list in accordance with said determined forward link quality metrics and said determined qualities related to a reverse link quality metric” (emphasis added). Claims 16 and 31 each recite features analogous to those features in claim 1.

For at least the reasons stated above, Applicants submit that independent claims 1, 16, and 31 are not taught or suggested by neither of Rohani and Dufour, alone or in combination, and therefore allowable over the cited references. Applicants respectfully request that the rejection of these claims be withdrawn.

Independent claims 32, 65, or 66 recites: “determining at the subscriber station a forward link quality metric for each sector in the subscriber station’s list; determining a forward link de-rating value for at least one sector in the subscriber station’s list; assigning credits to each sector in the subscriber station’s list except the sector currently serving the subscriber station in accordance with said forward link quality metric and said forward link de-rating value; and directing communication between the subscriber station and one sector from the sectors in the subscriber station’s list in accordance with said determined forward links quality metrics and said at least one determined forward link de-rating value” (emphasis added). As stated above, the Examiner contended in the Office Action that Rohani does not disclose determining at the subscriber station a forward link quality metric for each sector in the subscriber station’s list (further see page 8, lines 1-2). Therefore, the section cited by the Examiner cited in Rohani (col. 4, lines 31-34), or the remainder of Rohani, does not teach or suggest Applicants’ “forward link de-rating value” and “assigning credits,” as recited in claims 32, 65, or 66.

For at least the reasons stated above, Applicants submit that claims 32, 65, and 66 are not taught or suggested by neither of Rohani and Dufour, alone or in combination, and therefore, allowable over the cited references. Applicants respectfully request that the rejection of these claims be withdrawn.

Claims 2-9, 17-24, 27-30, 33-64, and 67-98 each depend from one of independent claims 1, 16, 32, 65, and 66 and therefore, are also allowable. Applicants respectfully request that the rejections of these claims be withdrawn.

Claim Objections

The Office Action indicated that claims 10-15, 25, and 26 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter.

Claims 10-15, 25, and 26 each depend from one of independent claims 1 and 16 and therefore are also allowable, for at least the reasons given above. Applicants respectfully request that the objection of these claims be withdrawn.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 12/21/2005

By: 

Jian Ma, Reg. No. 48,826  
(858) 651-5527

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 651-4125  
Facsimile: (858) 658-2502